

**THIRTEENTH DAY**  
(Wednesday, February 10, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend John L. Dasher, Pastor, Cornerstone Baptist Church, Pflugerville, offered the invocation as follows:

Dear Lord, I pray for Your divine guidance this day over this Senate session. I pray that You will bind this body together as they seek a common agenda that will fuel hope toward finding workable and fair solutions to the many difficult issues facing the Senate and the State of Texas. Their task is not an easy one. So, Lord, I pray that You give them the courage and the wisdom to make the best possible decisions which will affect all of our lives and especially the lives of our children. Thank You, Lord, for Your many blessings. In the name of our Lord, I pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 25**

On motion of Senator Moncrief and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 25.

**CO-AUTHOR OF SENATE BILL 89**

On motion of Senator Truan and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 89.

**CO-AUTHOR OF SENATE BILL 97**

On motion of Senator Lucio and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 97.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate:

**H.C.R. 34**

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 10, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS EMPLOYMENT COMMISSION for  
a term to expire February 1, 1997:

THE HONORABLE EDDIE CAVAZOS

4313 O'Dell

Corpus Christi, Texas 78415

Representative Cavazos will be filling the unexpired term of Mary Scott Nabers of Austin, who was appointed to the Railroad Commission of Texas.

TO BE MEMBERS OF THE UNIVERSITY OF TEXAS SYSTEM BOARD  
OF REGENTS for terms to expire February 1, 1999:

PETER R. CONEWAY

2247 Troon Road

Houston, Texas 77019

Mr. Coneway will be replacing Sam E. Barshop of San Antonio, whose term expired.

MARTHA E. SMILEY

1411 Hardouin Avenue

Austin, Texas 78703

Ms. Smiley will be replacing Louis A. Beecherl, Jr., of Dallas, whose term expired.

LOWELL H. LEBERMANN

2307 Woodlawn Boulevard

Austin, Texas 78703

Mr. Lebermann will be replacing W. A. "Tex" Moncrief of Fort Worth, whose term expired.

Respectfully submitted,

/s/Ann W. Richards

Governor of Texas

(Senator Whitmire in Chair)

MESSAGE FROM THE HOUSE

House Chamber

February 10, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 20**, Congratulating Booker T. Washington High School as it celebrates 100 years of providing education to the children of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.J.R. 13** by Lucio, Bivins, Ratliff, Education  
Carriker, Sibley

Proposing a constitutional amendment to add the Texas State Technical College System to certain constitutionally dedicated funding for public institutions of higher education.

**S.J.R. 14** by Wentworth, Bivins Committee of the Whole Senate on  
Redistricting, Ethics and Elections  
Subcommittee on Elections and Ethics

Proposing a constitutional amendment relating to the eligibility of certain public officers to seek election to and serve in the legislature.

**S.B. 290** by Ellis, Zaffirini Health and Human Services  
Relating to corporal punishment in public schools.

**S.B. 291** by Rosson Jurisprudence  
Relating to the administration of a statewide plan for the collection of child support by the attorney general's office.

**S.B. 292** by Rosson, Health and Human Services  
Zaffirini, Moncrief  
Relating to the certification and duties of certain peace officers as special officers for mental health assignment.

**S.B. 293** by Lucio Economic Development  
Relating to the regulation of telephone solicitation; providing civil and criminal penalties.

**S.B. 294** by Lucio Intergovernmental Relations  
Relating to annexation by general law municipalities.

**S.B. 295** by Lucio Education  
Relating to tuition charged certain students at public institutions of higher education.

**S.B. 296** by Lucio Jurisprudence  
Relating to permitting certain students who are graduates of the Reynaldo G. Garza School of Law to take the examination for a license to practice law in this state.

**S.B. 297** by Barrientos, Lucio, Rosson Education  
Relating to funding for school counseling programs.

**S.B. 298** by Barrientos Education  
Relating to a counseling and guidance program to be provided by all school districts.

**S.B. 299** by Rosson Economic Development  
Relating to the authority of a telecommunications utility to offer caller identification services and to the definition of an offense.

**S.B. 300** by Rosson, Carriker, Truan, Whitmire, Education  
Lucio, Luna, West, Haley, Madla  
Relating to the commissioner of higher education.

**S.B. 301** by Armbrister Finance  
Relating to the disposition of interest received from investments of money in the funds and accounts in the charge of the state treasurer.

**S.B. 302** by Armbrister Intergovernmental Relations  
Relating to depositories for municipal funds.

**S.B. 303** by Armbrister Jurisprudence  
Relating to persons who are authorized to conduct marriage ceremonies.

**S.B. 304** by Armbrister Jurisprudence  
Relating to persons who are authorized to administer oaths, affidavits, and affirmations.

**S.B. 305** by Wentworth Finance  
Relating to the issuance of truth in taxation notices.

**S.B. 306** by Carriker Committee of the Whole Senate on  
Redistricting, Ethics and Elections  
Subcommittee on Elections and Ethics  
Relating to combining certain county election precincts.

**S.B. 307** by Wentworth Economic Development  
Relating to the creation of an offense involving certain sales of tickets to events; providing a penalty.

**S.B. 308** by Wentworth, Committee of the Whole Senate on  
Zaffirini, Carriker Redistricting, Ethics and Elections  
Subcommittee on Elections and Ethics  
Relating to the age at which a child is allowed to accompany a parent to a voting station.

**S.B. 309** by Ellis, Moncrief Committee of the Whole Senate on  
Redistricting, Ethics and Elections  
Subcommittee on Elections and Ethics  
Relating to limiting the time period in which political contributions to candidates for judicial office may be made; political reporting by judicial candidates and officeholders; financial disclosure by judicial candidates and officeholders; and, disclosure of appointments made by judicial officers.

#### **CAPITOL PHYSICIAN**

Senator Harris of Dallas was recognized and presented Dr. Harold Nachimson of Irving as the "Doctor for the Day."

The Senate welcomed Dr. Nachimson and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

## SENATE RESOLUTION 190

The Presiding Officer laid before the Senate the following resolution:

## RULES OF THE SENATE

BE IT RESOLVED by the Senate of the State of Texas, That the Temporary Rules of the 73rd Legislature are adopted as the Permanent Rules of the 73rd Legislature with the following modifications:

1. Amend Subsections (b), (e), and (f) of Rule 7.09 to read as follows:

(b) On any bill or resolution that proposes to change benefits or participation in benefits of a public retirement system or that would otherwise change the financial obligations of a public retirement system, there shall be attached an actuarial impact statement ~~[analysis, together with a statement]~~ prepared by the State Pension Review Board ~~[reviewing the actuarial analysis and commenting on the legislation]~~.

(e) On any bill or resolution that authorizes or requires a change in the public school finance system, there shall be attached an Equalized Education Funding Impact Statement signed by the director of the Legislative Budget ~~[Education]~~ Board and outlining the estimated impact of the proposed policy changes on state equalized funding requirements and policies.

~~[(f) On any bill or resolution that has an identifiable and measurable effect on the dockets, work loads, efficiency, staff and personnel requirements, operating resources, and currently existing material resources of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals, the district courts, the statutory county courts, the county courts at law, the county courts, and the justice courts of this state, there shall be attached a Judicial System Impact Statement signed by the director of the Legislative Budget Board and outlining the estimated impact of the measure on the judicial system.]~~

2. Amend Subsection (b) of Rule 7.12 to read as follows:

(b) Every committee report printing on a bill or resolution shall include:

(1) a copy of the committee report form showing the record vote by which the measure was reported, whether the measure was reported favorably or unfavorably, with amendment or with a substitute;

(2) a copy of the original bill or resolution, unless the committee reports a substitute measure;

(3) a copy of any substitute bill or resolution;

(4) a copy of each amendment adopted to the bill or resolution;

(5) any fiscal note on the bill or resolution, including any updated fiscal note to reflect any change in fiscal implications made by amendment or substitute;

(6) any criminal justice impact statement, including any updated statement to reflect any change made by amendment or substitute;

(7) ~~[any judicial system impact statement, including any updated statement to reflect any change made by amendment or substitute;~~

~~[(8)]~~ any education funding impact statement, including any updated statement to reflect any change made by amendment or substitute;

(8) ~~(9)~~ any actuarial analysis, including any updated analysis to reflect any change made by amendment or substitute;

(9) ~~(10)~~ a bill analysis, including any updated analysis to reflect any change made by amendment or substitute; and

(10) ~~(11)~~ a list of witnesses testifying in favor, against, or on the bill or resolution.

3. Amend Rule 7.16 to read as follows:

**AMENDMENTS TO TAX BILLS OR SUNSET BILLS**

Rule 7.16. No amendment shall be considered to any tax bill or sunset bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard. (Former Rule 72.1)

4. Amend Rule 11.05 to read as follows:

**LIMITATIONS ON MEMBERSHIP OF COMMITTEES**

Rule 11.05. A Senator's appointment to any committee or subcommittee, standing, special, select, statutory, or otherwise, is terminated if the Senator is not ~~[fails to be]~~ renominated to the Senate ~~[or is nominated to any other office]~~. (Former Rule 94(c))

The resolution was read.

Senator Harris of Dallas offered the following amendment to the resolution:

Amend S.R. 190 by adding a new modification to read as follows:

5. Rule 11.20(b) is amended to read as follows:

**PRIVILEGED NOTICE OF HEARING ON SPECIFIC BILLS  
(TAG RULE)**

Rule 11.20(b) If the bill or resolution is on the agenda of a committee and the committee meeting has already begun to consider matters on the agenda, the request shall be presented to the chair of the committee rather than the Secretary of the Senate, and the chair shall note the time of the receipt of the request on the request form and immediately deliver the form to the Secretary. After receipt of the request by the chair, the bill shall not be laid before the committee until notice is delivered to the Senator in accordance with this rule.

The amendment was read and was adopted by a viva voce vote.

The resolution as amended was adopted by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 17 ON SECOND READING**

Senator Carriker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 17 be taken up for consideration at this time:

**C.S.S.B. 17**, Relating to the exemption of property in this state from the satisfaction of another state's judgment for unpaid income taxes on certain retirement benefits.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend C.S.S.B. 17 as follows:

(1) Insert "or political subdivision of another state" after "another state" in Sections 44.002 and 44.003. (Committee Printing, page 1, lines 38 and 42)

(2) Insert "or that political subdivision's" after "that state's" in Sections 44.002 and 44.003. (Committee Printing, page 1, lines 39 and 42)

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 17 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 3 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

C.S.S.C.R. 3, Granting permission to the Texas DeMolay Association to use the Senate Finance Committee Room in the Capitol Extension and the chamber of the house of representatives in the State Capitol on February 20 and 21, 1993, and February 26 and 27, 1994.

The resolution was read second time and was adopted by a viva voce vote.

#### **AT EASE**

The President at 10:56 a.m. announced that the Senate would stand At Ease subject to the call of the Chair.

#### **IN LEGISLATIVE SESSION**

The Presiding Officer, Senator Truan in Chair, called the Senate to order at 11:09 a.m. as In Legislative Session.

**SENATE CONCURRENT RESOLUTION 15**

Senator Ratliff offered the following resolution:

**S.C.R. 15**, Recognizing February 9 and 10, 1993, as Rusk County Day and extending best wishes to its residents for an enjoyable and rewarding event.

The resolution was previously read and adopted on Tuesday, February 2, 1993.

**GUESTS PRESENTED**

Senator Ratliff was recognized and introduced the following delegation from Henderson here in celebration of Rusk County Day: County Judge Sandra Hodge; Mayor Brad Holmes; Superintendent of Schools Jerry Christian; and Mart Hooper of the Chamber of Commerce.

The Senate welcomed these guests.

**COMMITTEE OF THE WHOLE SENATE**

On motion of Senator Carriker and by unanimous consent, the Senate at 11:11 a.m. resolved into a Committee of the Whole Senate with Senator Carriker presiding.

**IN LEGISLATIVE SESSION**

The President called the Senate to order at 12:13 p.m. as In Legislative Session.

**REPORT OF COMMITTEE OF THE WHOLE SENATE**

Senator Carriker reported that the Committee of the Whole Senate had organized, adopted rules, and heard testimony from representatives of the Legislative Council and the Attorney General.

**SENATE BILL 299 REREFERRED**

On motion of Senator Rosson and by unanimous consent, **S.B. 299** was withdrawn from the Committee on Economic Development and was rereferred to the Committee on State Affairs.

**MEMORIAL RESOLUTIONS**

**S.R. 193** - By Barrientos: In memory of David Roberts of Pflugerville.

**S.R. 194** - By Barrientos: In memory of Lee Roberts of Pflugerville.

**CONGRATULATORY RESOLUTIONS**

**S.R. 191** - By Bivins: Congratulating the Museum of the Southwest in Midland on the occasion of its 25th anniversary in the Turner Mansion.

**S.R. 192** - By Lucio: Congratulating Mr. and Mrs. Donald Hunter of Alamo on the occasion of their 50th wedding anniversary.

**S.R. 196** - By Ellis: Congratulating Allison T. Brown on the occasion of his retirement after 32 years of service with the United States Postal Service.



**ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 12:15 p.m. adjourned until 9:00 a.m. tomorrow.

**APPENDIX**

**REPORTS OF STANDING COMMITTEES**

The following committee reports were received by the Secretary of the Senate:

February 9, 1993

ADMINISTRATION — S.C.R. 13 (Amended), S.B. 248

CRIMINAL JUSTICE — C.S.S.B. 25

February 10, 1993

EDUCATION — S.B. 150, S.B. 201 (Amended)

**FOURTEENTH DAY**

(Thursday, February 11, 1993)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Andrew Bearden, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Dear God, be with the Members of this body today as they take up the affairs of this state. Put a burden in their hearts for this generation of young people and help them to make decisions in light of those children's future. Lord, personally give us peace on every side and show us the joy that comes from serving You. In Jesus' name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.